

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 05-cv-329-GKF-SAJ
	)	
TYSON FOODS, INC., et al.,	)	
	)	
Defendants.	)	
	)	

**REPLY ON THE TYSON DEFENDANTS' REQUEST FOR ORAL ARGUMENT**

In the Tyson Defendants' Request For Oral Argument (Docket No. 1038) ("Motion for Argument"), the Tyson Defendants petitioned this Court to hold oral argument on several related motions to dismiss. In its response, Oklahoma states that it has no objection to this request but notes that the Court should not limit the oral argument to the motions referenced in Tyson's Motion for Argument, but should rather hold argument and issue decisions on all of the defendants' pending motions. *See* Response at 1-2.

The Tyson Defendants agree. Oklahoma has brought a large number of claims relating to more than a million acres of land located in two states. At this stage of the litigation the parties and the Court would benefit from rulings on these motions, which may substantially narrow the State's claims and the accompanying discovery issues.

As noted in the Motion for Argument and the State's response, the pending defense motions are:

1. *Tyson Poultry, Inc.'s Motion to Dismiss Count 3 of Plaintiffs' First Amended Complaint* (Dkt No. 64);
2. *Tyson Chicken, Inc.'s Motion to Dismiss Counts 4, 5, 6 and 10 of the First Amended Complaint Under The Political Question Doctrine* (Dkt No. 65);

3. *Tyson Foods, Inc.'s Motion to Dismiss Counts 4-10 of the First Amended Complaint* (Dkt No. 66) (the Tyson Defendants moved to amend this motion, (Dkt. No. 1030));
4. *Cobb-Vantress, Inc.'s Motion to Dismiss Counts Four, Six, Seven, Eight, Nine and Ten of the First Amended Complaint or, Alternatively, to Stay Action* (Dkt. No. 67);
5. *Peterson Farms, Inc.'s Motion to Dismiss and, or in the Alternative, Motion to Stay Proceedings Pending Appropriate Regulatory Agency Action* (Dkt No. 75); and
6. *Defendants' Motion for Judgment on the Pleadings in Light of New Mexico v. General Electric* (Dkt. No. 1004).

The Court may want to hear argument of these motions on more than one day.

Additionally, the Tyson Defendants respectfully note that the Court should also address the State of Arkansas' *Motion to Intervene* (Dkt. Nos. 499-500) and the State of Arkansas' *Motion to Supplement the Brief In Support of the Motion to Intervene* (Dkt. No. 1018), as the arguments set forth in Arkansas' pleadings are related to several of the issues raised in the parties' motions to dismiss.

Dated: February 21, 2007

Respectfully submitted,

/s/ Jay T. Jorgensen

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 21st day of February 2007, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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